

Alaska State Legislature

Official Business



State Capitol
Juneau, Alaska
99801-1182

September 29, 2020

Governor Michael J. Dunleavy
Office of the Governor
P.O. Box 110001

Delivered electronically

Dear Governor Dunleavy:

We write to request that your administration not stand with Pebble Limited Partnership (PLP) as it seeks to advance its Clean Water Act permit application with the U.S. Army Corps of Engineers. As described below, it appears that you and other members of your administration, including your resource agency commissioners and staff, are working with PLP on a compensatory mitigation plan for the proposed Pebble mine that would implicate uses and activities on State land in Bristol Bay. Given the revelations of political manipulation in permitting and election processes by PLP and its parent company Northern Dynasty Minerals (NDM), standing with PLP as it seeks to advance its permit would justifiably call into question the integrity of our world-class permitting system, and reward Outside interests who brag about interfering in our sacred election process for the benefit of their irresponsible development proposal.

As an initial matter, our interest in Pebble is intense given the risk of the proposed mine to one of Alaska's most valuable and unique resources; Bristol Bay wild salmon. The subsistence, commercial and sport fisheries made possible by this remarkable resource can only continue with careful stewardship, as the people of the region have done for thousands of years. Further, our interest in Pebble is also formal, as the legislature has a role in whether it should receive state permits, see AS 38.05.142, and whether permanent preservation of more than 640 acres of State lands to advance Pebble is appropriate, see AS 38.05.300. Should your administration be working with PLP to commit State lands to support compensatory mitigation for Pebble, or the promise of such, we urge you to coordinate at this time with the legislative branch to avoid misleading regulators, the public, especially including the people of Bristol Bay, or PLP, as to the possibility of the use of State lands for such purposes.

Our concerns are not hypothetical. After the release of the startling Pebble Tapes, the State asserted that "[a]ny claims that Governor Dunleavy contacted White House administration

officials on behalf of that company [PLP] are false.”¹ This statement is inconsistent with the well-documented work that you and your administration have done on behalf of PLP. As revealed in national media, you have communicated with administration officials using, essentially verbatim, letters written by PLP that parroted PLP’s position on the permitting process for the proposed mine.² Further, public records reveal an intense joint effort between you and PLP to remove environmental protections for Bristol Bay, easing the way for Pebble permitting.³ As recently reported in Alaska media, your administration

operated almost like a division of the company and the governor like an employee, but this escaped attention of most Alaskans and received little news coverage because it happened in secret.⁴

With the release of the Pebble Tapes, the depths of PLP and NDM’s deception of regulators, Alaskans in general and the people of Bristol Bay in specific, is now crystal clear. Rather than pursuing in good faith a 20-year mine plan that formed the basis for their Clean Water Act permit application, the true aim of PLP and NDM is far larger. NDM CEO Ronald Thiessen makes this point throughout the tapes, stating point blank that “the first mine is 180 years long”⁵ and “remember, this mine is not gonna be finished for 180, 200 years.”⁶

Getting the wrong answer in permitting is high stakes. The Bristol Bay salmon fishery is critical to meeting the subsistence needs of Bristol Bay residents, it supports over 14,000 commercial fishing jobs that generate ~\$1.5 billion per year in revenue, and it provides sport fishing opportunities that bring in tourists and money from all over the world. Further, Alaska has a well-earned reputation as a place where responsible development is encouraged and supported, and the permitting of Pebble would harm that reputation. The U.S. Army Corps of Engineers’ final Environmental Impact Statement (EIS) for Pebble documents impacts to Bristol Bay’s pristine waters that include the loss of over 2,800 acres of wetlands and nearly 130 miles of streams.⁷ And these are the impacts of the discredited 20-year mine plan and not PLP and NDM’s true aim of a 180 to 200 year mine, which of course would be far larger.

¹ <https://www.alaskasnewsresource.com/2020/09/23/undercover-hong-kong-investors-dupe-pebble-mine-execs-share-private-meetings-describing-political-influence-vision-for-180-year-mine/>

² <https://www.cnn.com/2019/12/19/politics/pebble-mine-alaska-governor-controversy-invs/>

³ <https://www.cnn.com/2019/12/19/politics/pebble-mine-alaska-governor-controversy-invs/>

⁴ <https://www.dermotcole.com/reportingfromalaska/2020/9/25/5yvvox21ajmikkbfqxq4yqovun3ehu>

⁵ Pebble Tape #12 <https://content.eia-global.org/assets/2020/08/pebbletapes/Pebble+Tapes+12+-+More+Mines+-+Transcript.pdf>;

⁶ Pebble Tape #9 <https://content.eia-global.org/assets/2020/08/pebbletapes/Pebble+Tapes+9+-+Water+Treatment+-+Transcript.pdf>.

⁷ Corps letter to PLP (August 20, 2020) (characterizing impacts of PLP’s 20-year proposal as detailed in the final EIS) <https://pebbleprojecteis.com/documents/mitigation>.

Not surprisingly given these large numbers, the Corps preliminarily has found that Pebble “would likely result in significant degradation of the environment and would likely result in significant adverse effects on the aquatic system or human environment.”⁸ We agree.

Prior to the release of the Pebble Tapes, to proceed with the permitting process the Corps told PLP that it must submit a new compensatory mitigation plan for its proposed project, focusing among other things on in-kind mitigation “within the Koktuli River Watershed” for impacts from the mine site.⁹ While one would think that the Pebble Tapes would, at a minimum, cause PLP to withdraw its deceptive permit application and start over, PLP’s new interim CEO, brought on after Tom Collier’s resignation in the wake of the Pebble Tapes, recently stated that his “priority is to advance our current plan through the regulatory process....”¹⁰

For our part, we see no way that PLP can advance a compensatory mitigation plan without the State’s involvement, as there are not sufficient alternative landowner options for in-kind mitigation in the Koktuli River Watershed. We are not alone in this belief. As Tom Collier himself said in the Pebble Tapes, PLP “would not be able to respond positively to [the Corp’s compensatory mitigation plan requirement] if the state weren’t there as our partner moving forward with this plan.”¹¹

And Collier went even further when asked if the State was on board with its plan, stating the following:

just to put a fine, fine note on that, just between us guys, I had a two-hour one-on-one meeting with the governor when all of this came up about a month ago to walk him through this, to get his commitment that they would be there and now we’re working with his department of natural resources and they are being very cooperative in working this through with us.¹²

And if this isn’t enough, knowing that the State legislature ultimately will have a say in Pebble permitting, Collier bragged on tape about his influence in our primary elections, stating that his work is “gonna make for dramatic change in the legislature here in Alaska and I was a leader in that effort....”¹³

⁸ Corps statement (August 24, 2020)

https://www.army.mil/article/238426/army_finds_pebble_mine_project_cannot_be_permitted_as_proposed

⁹ Corps letter to PLP (August 20, 2020), <https://pebbleprojecteis.com/documents/mitigation>.

¹⁰ https://www.frontiersman.com/news/pebble-partnership-ceo-resigns-after-release-of-recorded-conversations/article_4052859c-fdf7-11ea-b416-43b8e4c2a107.html (emphasis added).

¹¹ Pebble Tape #3, <https://content.eia-global.org/assets/2020/08/pebbletapes/Pebble+Tapes+3+-+AK+Governor+-+Transcript.pdf>

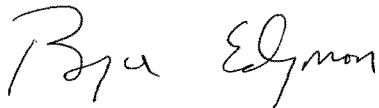
¹² Pebble Tape #3, <https://content.eia-global.org/assets/2020/08/pebbletapes/Pebble+Tapes+3+-+AK+Governor+-+Transcript.pdf>

¹³ Pebble Tape #7 <https://content.eia-global.org/assets/2020/08/pebbletapes/Pebble+Tapes+7+-+AK+Politics+-+Transcript.pdf>

Governor, the record is clear, to this point you and others within your administration have worked with PLP to advance a proposed mine that has no basis in reality and has no place in Bristol Bay. While there is no doubt that a governor's job should involve encouraging development projects, such work should be done in the light of day and on behalf of Alaskans. It should not be done behind the scenes in support of a risky and irresponsible project run by executives who deceive regulators and the public, and interfere in our elections, to achieve their aim.

At a time when Americans of all political persuasions find the integrity of their federal government institutions to be in question, we need leadership from you to prove to Alaskans that our state governmental institutions are strong. We therefore call on you to oppose Pebble's current discredited 20-year mine plan and, specifically to not stand by PLP in deed or word if it seeks to use State land in any way to respond to the Corps' compensatory mitigation requirements.

Sincerely,



Rep. Bryce Edgmon



Rep. Louise Stutes

CC:

Ben Stevens, Chief of Staff to Governor Dunleavy
United Fishermen of Alaska
Bristol Bay Native Association
Bristol Bay Economic Development Corporation
Cordova District Fishermen United
United Southeast Alaska Gillnetters Association
Bristol Bay Native Corporation
United Tribes of Bristol Bay
Southeast Alaska Seiners Association
Southeast Alaska Fishermen's Alliance
Kodiak Seiners Association
Kodiak Setnetters